

P R E F A C E

This document, together with the February 2006 Draft Environmental Impact Report (Draft EIR) for the Evergreen • East Hills Vision Strategy (EEHVS) Project, constitutes the Final Environmental Impact Report (Final EIR) for the proposed project. Under the California Environmental Quality Act (CEQA), the Final EIR is an informational document prepared by the Lead Agency that must be considered by the decision-makers before approving the proposed project. CEQA Guidelines Section 15132 specifies that a Final EIR shall consist of the following:

- ▣ The Draft EIR or a revision of the draft;
- ▣ Comments and recommendations received on the Draft EIR either verbatim or in summary;
- ▣ A list of persons, organizations, and public agencies commenting on the Draft EIR;
- ▣ The responses of the Lead Agency to the significant environmental points raised in the review and consultation process; and
- ▣ Any other information added by the Lead Agency.

In conformance with the CEQA Guidelines, the Final EIR provides objective information regarding the environmental consequences of the proposed project. The Final EIR also examines mitigation measures and alternatives to the project intended to reduce or eliminate significant environmental impacts. The Final EIR is used by the City and other Responsible Agencies in making decisions regarding the project. The CEQA Guidelines require that, while the information in the Final EIR does not control the agency's ultimate discretion on the project, the agency must respond to each significant effect identified in the Draft EIR by making written findings for each of those significant effects before it approves a project.

According to Section 21081 of the California Public Resources Code, no public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant

environmental effects on the environment that would occur if the project is approved or carried out unless both of the following occur:

- (A) The public agency makes one or more of the following findings with respect to each significant effect:
 - (1) Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.
 - (2) Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.
 - (3) Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the EIR.
- (B) With respect to significant effects which were subject to a finding under paragraph (3) of subdivision (A), the public agency finds that specific overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects on the environment.

The Final EIR will be made available to the public 10 days prior to the EIR certification hearing.

All documents referenced in this EIR are available for public review at the Department of Planning, Building, and Code Enforcement, located at 200 East Santa Clara Street, San José, California, on weekdays during normal business hours.

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